

REMARKS/ARGUMENTS

Claims 48-85 have been cancelled. Claims 86-136 have been added top more fully encompass the scope of the invention.

Claims 48-68, 70, and 75-81 stand rejected under 35 USC § 103(a) as being unpatentable over Anderson et al in view of Mueller and Keeler.

Anderson et al is relied upon for disclosure of a method for manufacturing coated products by forming a base product from a mass comprising starch as a natural polymer in a heated mold cavity commonly used in injection molding.

In this process cross-linking of the polymer occurs and thereafter coatings are applied to the surface of the base product to obtain a uniform film having minimal defects. It is urged that the patentees further disclose that coatings may be applied to strengthen the articles or when required waterproof coatings may be used. The Examiner concedes that the patentees do not disclose the use of a second coating. The conclusion is drawn that it would have been obvious for one skilled in the art to employ the coated base of Anderson et al by applying a waterproof coating over portions of the base then applying a strengthening or second coating over the waterproof coating in places where the base product may be bent with the expectation of making a waterproof base containing portions which can be severely bent.

It is further urged that it would have been obvious to reapply a coating composition inn accordance with well known principles with the expectation of obtaining a

desired thickness dependent upon intended use. The Examiner concedes that Anderson et al fail, to teach that the first coating has a surface tension equal to or lower than the surface tension of the surface of the base product. However, it is urged that the patentees disclose that selection of a particular coating process is dependent on the number of substrate variables such as wettability, porosity and coating formulations.

This rejection is traversed as follows:

The Examiner readily concedes that the Anderson et al reference does not specifically disclose a first coating over which a second coating is applied. The Examiner incorrectly states that the first coating would be a waterproof coating and the second coating a strengthening coating. Applicant has very clearly stated that the first and second coatings may be selected from a variety of coatings dependent upon their intended use.

The Examiner urges that it would be obvious to one skilled in the art to provide a base product as described by Anderson et al with a first waterproof coating and then a second strengthening coating at portions where the product would bend with expectation that a waterproof base product would be obtained having parts that can bend severely.

The line of reasoning advanced by the Examiner is clearly fallacious. Anderson et al clearly does not provide any indication that different coatings could be applied, one over the other. While it is conceded that Anderson et al disclose a multitude of coatings and mixtures of coatings,

the patentees clearly have not disclosed or taught that different coatings can be applied, one over the other nor the advantages that can be achieved with structures of this type. This is crystal clear for newly submitted claim 86 wherein it is specifically claimed that only a part of the product is coated with two coatings overlying each other and that a different part is coated with only one of both coatings, especially the second coating. Since the Anderson et al reference does not disclose or teach the concept of overlapping coatings which are different from each other, one skilled in the art would not be led to do what Applicant has claimed.

The Examiner has also stated that it would be known to apply the same coating two or more times to obtain a desired thickness. This clearly suggests that the first and second coating are identical and cover the same area in every layer. This would yield a product in which each layer fully overlapped the layer below and not any other portion of the product. This thesis thereby makes it imperative that newly presented claim 86 clearly differs from this product.

The Examiner also notes that Anderson et al do not specifically disclose a first coating having a surface tension approximately equal to or lower than the surface tension of the base product. It is theorized that from the Anderson disclosure that the coating is chosen on the basis of variables such as wettability, porosity, etc. as well as on the basis of the coating itself comprising total solids content, solvent base, surface tension and rheology. The Examiner goes further to combine the teachings of Anderson

et al with Mueller who discloses that a coating formula having a lower surface tension than a substrate does not wet the substrate and Keeler which discloses that surface tension of coating formulations can be lowered by incorporating therein a surface tension lowering element.

This line of reasoning is then applied to conclude that the teaching of the reference combination yield the claimed invention.

Once again, none of the three cited references would enable one skilled in the art to obtain the claimed technique of Applicant or achieve the products claimed. Even if one were to assume that it would be advantageous to combine the teachings of the cited references, there is no indication how one would select Applicant's combinations from the myriad of possibilities outlined by the patentees.

The Examiner contends that claim 68 would have been obvious to one skilled in the art to provide one part of a product according to Anderson et al with two layers of different coatings and a different part of the same product with only one coating or free of any coating in order to obtain different surface characteristics. However, a careful examination of the Anderson et al reference and the Mueller and Keeler disclosures does not reveal a single suggestion for then claimed method of coating nor of the advantages attained. The Examiner has clearly used hindsight to reach the conclusion that the reference combination discloses what Applicant is claiming. No indication is given as to why one skilled in the art would be inclined or directed to consider coating techniques other

than that disclosed by Anderson et al which, in fact is identical to that disclosed in the cited secondary references, namely, one layer of a coating or a multitude of coating layers , each being of the same material as the layer below or on top thereof. Accordingly, neither Anderson et al alone, or in combination with the secondary references, would lead one skilled in the art to use the method claimed by Applicant.

The Examiner has rejected claim 69 as being unpatentable over Anderson et al in view of Mueller, Keeler and Hargadon. The Hargadon reference is relied upon for a disclosure of a product having integrally joined parts having different characteristics, for example, flexible and rigid parts which can be formed by injection molding using different masses. The conclusion is drawn that it would be obvious to one skilled in the art to have made different masses for different parts in the injection molding process of Anderson et al in view of Mueller and Keeler with the expectation of producing a molded product with integrally joined parts having different characteristics dependent upon intended use as taught by Hargadon. This rejection is traversed as follows:

The limitations of Anderson et al, Mueller and Keeler references have been discussed. Hargedon discloses a suspension product having a body 10 and strip 15, the strip being made of plastic as is the body 10. Different materials can be used for these parts, each of which possesses different material properties. However, the patentee neither suggests or discloses any procedure for the preparation of the two parts in one mold, in one cycle nor

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the fact that these parts would be rigidly connected one to the other. None of the cited references discloses a starch based product integrally prepared in a mold in one cycle which product has at least two parts made of different materials in the same mold cavity. Accordingly, the combination of references would clearly not suggest or disclose the product claimed by Applicant.

The Examiner further rejects claims 70-75 based upon the primary and secondary reference rejections in combination with reference which teach coating techniques including spraying, atomizing, fluid coatings, surface tension reduction agents and weight percentages of such agents.

Clearly, the cited references disclose the techniques cited by the Examiner. However, none of the cited references alone or in combination with each other discloses or suggests the novel method disclosed and claimed by Applicant.

In a sincere attempt to advance the prosecution of the instant application, Applicant has elected to redraft the claims to more adequately distinguish from the cited prior art.


Reconsideration and allowance of claims 86-136 are most earnestly solicited.

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If the Examiner believes that there are any unresolved issues in any of the claims now pending in the application, the Examiner is urged to telephone Edward M. Fink, Esq. at 732-906-5654 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully yours,

May 20, 2005

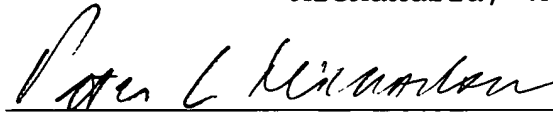

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